

REMARKS

Applicants wish to call Examiner's attention that the instant application is a continuation of U.S. Application No. 09/738,378 (Attorney Docket No: MIY-P02-003), which is a continuation-in-part of U.S. Application No. 09/309,816 (Attorney Docket No: MIY-P01-003) and U.S. Application No. 09/238,654 (Attorney Docket No: MIY-P01-001).

It has come to the attention of the attorney for Applicants that claim 1, as initially filed in this case, has already issued in U.S. Patent No. 6,241,736 from U.S. Application No. 09/309,816. Applicants intend in the instant application to pursue claims that were divided out of U.S. Application No. 09/738,378. Accordingly, claim 1 of the instant application has been amended to include the limitations of the previously divided out claim 33 of U.S. Application No. 09/738,378. Additionally, new claims 2-6 covering related configurations are introduced, also reciting the limitations of previously divided out claims 33-36 of U.S. Application No. 09/738,378.

Claim 1 Patentably Distinguishes Over the Prior Art.

Claim 1, as initially filed, patentably distinguishes over the art cited by the Examiner in the Office Action dated October 19, 2004, namely, U.S. Patent No. 5,458,603 (referred to as "Futch" hereinafter) and U.S. Patent No. 6,406,480 (referred to as "Beyar" hereinafter). With respect to claim 1, as initially filed, both Futch and Beyar fail to teach or suggest a device that comprises a lever, a resilient element, a force translator and a rotator, in which the force translator transmits a force exerted on the lever to the resilient element, a limitation recited in claim 1 as initially filed. Specifically, none of the figures in Futch or Beyar shows a device that would allow a force exerted on a lever to be transmitted via a force translator to a resilient element, in which the force translator translate linear force exerted on the lever into rotational force on the resilient element. In Beyar, a rotational force is exerted on a handle and transmitted to rotate a bone screw. Likewise, in Futch, a rotational force is exerted on a control knob and transmitted to rotate a tool bit. Furthermore, none of the devices shown in either Beyar or Futch contains a lever.

As mentioned above, since originally filed claim 1 has already issued in U.S. 6,241,736, Applicants have further amended claim 1 to introduce additional limitations of previously divided out claims 33 of U.S. Application No. 09/738,378. As such, amended claim 1 also patentably distinguishes over both Futch and Beyar. More particularly, neither Futch nor Beyar teach or suggest the recited head assembly, recessed anchor mount movably disposed within the head assembly and actuation mechanism coupled to the recessed anchor mount. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 and pass that claim, as amended, to allowance.

New Claims 2-6 Patentably Distinguish Over the Prior Art.

As mentioned above, new claims 2 and 3 are directed to related embodiments, and also recite the head assembly, recessed anchor mount and actuation mechanism of amended claim 1. As described above, neither Futch nor Beyar teach or suggest these limitations. Additionally, new claims 4-6 depend from and recite further limitations on claims 1-3. Accordingly, Applicants request that the Examiner also pass new claims 2-6 to allowance.

Conclusion

Applicants believe that the application is now in condition for allowance. However, the Examiner is invited to telephone the undersigned to discuss any remaining issues. Please charge our Deposit Account No. 18-1945 for any fees due and credit any overpayments, under Order No. MIY-P05-003 from which the undersigned is authorized to draw.

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Respectfully submitted,

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